



San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



William D. Gore, Sheriff

June 14, 2019

Samuel Sinyangwe
c/o MuckRock News
DEPT MR 74864
411A Highland Ave.
Somerville, MA 02144-2516

Email: 74864-87247913@requests.muckrock.com

VIA EMAIL AND U.S. MAIL

Dear Mr. Sinyangwe:

The San Diego County Sheriff's Department is in receipt of your email dated June 4, 2019, received June 5, 2019, requesting records pursuant to the California Public Records Act (CPRA). You state that the San Diego County Sheriff's Department collected pursuant to the Racial and Identity Profiling Act of 2015, enacting California Government Code section 12525.5 (RIPA). Specifically you request:

All data collected from 2017 through June 1, 2019 (or the most recent data available) under the Racial and Identity Profiling Act (RIPA), including but not limited to individualized case-level data on police stops, searches, frisks, contraband if any that was found, use of force, demographics of the subjects and officers involved, physical or mental disabilities of the subjects, and other categories. Preferably provide these data in csv or excel format.

The Sheriff's Department began collecting data pursuant to RIPA on July 1, 2018. Pursuant to RIPA, the data reported is available to the public, except for the badge number or other unique identifying information of the peace officer involved. Additionally, law enforcement agencies shall not report the personal identifying information of persons stopped, searched, or subjected to property seizure. Law enforcement agencies are solely responsible to ensure that personally identifiable information of the person stopped, and information exempt from disclosure pursuant to Government Code section 12525.5 is not released. 11 CCR § 999.228. The reporting agency "may review the stop data to correct errors before submitting the stop data to the Department." 11 CCR § 999.227.

Thus, pursuant to Government Code section 6254(k), incorporating Government Code section 12525.5(d), and Code of Regulations sections 999.224 through 99.229, the Sheriff's Department reviewed the stop data and corrected errors, and redacted the following information:

1. Officer's badge number and/or unique identifying number
2. Officer's years of experience
3. Officer's type of assignment
4. Personal identifying information of the person stopped

Pursuant to the limitations above, the Sheriff's Department is providing the requested data for stops made between July 1, 2018, and December 31, 2018. The Sheriff's Department is providing you with the JSON data that was submitted to and verified by the California Department of Justice (CA DOJ). The Sheriff's Department is also providing the beat information, which is a field that the Sheriff's Department collects in addition to the RIPA requirements. This data is not submitted to or accepted by the DOJ. In order to extract this data from the MS SQL Server database, we queried the database and extracted the JSON data that is formatted per the CA DOJ's requirements, and the beat data. This data is saved it as a CSV file. Each row in the MS Excel spreadsheet contains one column housing all of the information related to a specific RIPA stop, and one column containing beat data. The records are being sent to you electronically via a Sharefile link which will expire within 7 days of receipt, and via U.S. mail to the address listed on your request.

In response to your request for all data through June 1, 2019, the Sheriff's Department provides the data to the CA DOJ at regularly scheduled intervals. We are providing the data from July 1, 2018, to December 31, 2018, free of charge, because we provided it to the CA DOJ. The next set of data will be provided to the CA DOJ by April 1, 2020. The Sheriff's Department does not plan to prepare the data for release until that time. Pursuant to Government Code section 6253.9(b), "the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when... the public agency would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals." The costs for the extraction of exempt material from electronic records are borne by the requestor. (See Gov't Code § 6253.9(b); *National Lawyers Guild, San Francisco Bay Area Chapter v. City of Hayward* (2018) 27 Cal.App.5th 937, 952 (review granted)). Thus, the Sheriff's Department intends to charge the costs incurred, including the hourly salary and benefits of the employees who review and redact the data.

The Sheriff's Department can provide you with the additional, January 1, 2019 to present, data redacted pursuant to Government Code section 12525.5(d), and Code of Regulations section 999.224 through 99.229, if you pay for the cost of producing the record, including construction, programming, and computer services necessary to produce a redacted copy of the record. The Sheriff's Department would provide this record in its native JSON format. Validation corrections required by CA DOJ cannot be processed before submission and may cause data inconsistencies between the raw data that is provided, and the data that is later accepted by the CA DOJ.

The Sheriff's Department estimates that the cost to extract the request data will be \$1,406.16. The Sheriff's Department estimates that it will take one employee, whose salary plus benefits totals \$104.56 per hour, 8 hours to extract and review the records, and one employee whose salary plus benefits totals \$142.42 per hour, 4 hours to redact exempt PII data. Upon receipt of the estimated fee, the Sheriff's Department will begin the process of preparing the additional data for release. Should the cost of extracting the records exceed the estimated cost identified above, the Department will contact you to seek your approval. Should the actual cost of extracting the

requested records be less than the estimated cost, the Department will refund the excess amount. The Department will provide the requested data after payment of the required fees.

Sincerely,

WILLIAM D. GORE, Sheriff

A handwritten signature in black ink, appearing to read 'Amanda M. Lomnicky', written in a cursive style.

Amanda M. Lomnicky, Legal Advisor
Office of the Sheriff – Legal Affairs Unit